IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

SUMMARY SUIT NO.3451 OF 2000

M/s.Jamandas M. Choksi ..Plaintiff.
Vs.
Mistry Prabhudas Manji
Engg. Pvt. Ltd. & Ors. ..Defendants.

Ms.Lund i/b.Ms.Lata S. Desai for the Plaintiff.
None for the Defendants.

CORAM : S.J. VAZIFDAR, J.
DATED : 7TH DECEMBER, 2005

P.C. :

The suit is filed to recover the amount lent and advanced by the Plaintiff to Defendant No.1. Defendant Nos.2, 3 and 4 are the Directors of Defendant No.1.

2. The learned counsel for the Plaintiff tenders a compilation of original documents. The same are taken on record and marked as Exhibit "A" collectively.

3. The plaint describes the documents on which the suit is based as a promissory note possibly because the drawer has also accepted the same.

4. By an order dated 9th September, 2002 unconditional leave to defend was granted to

Defendant Nos.2, 3 and 4. Defendant No.1 was granted conditional leave upon their depositing Rs.18,00,000/- within six weeks. They have failed to do so.

5. The documents on record clearly establish the Plaintiff's claim. There is no written statement. This is a fit case to accept the averments in the plaint as correct. In the circumstances, there is no defence to the suit.

6. The suit is therefore decreed as prayed against Defendant No.1.